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## Protecting FBI families

Which is more important — protecting the lives of FBI agents and their families, or protecting the rights of a defendant brought to trial through an FBI investigation? A judge in New York, no liberal softy, recently gave the nod to the defendant. His decision, however proper, highlights a serious problem for the FBI requiring congressional action to help resolve.

The judge ruled that two undercover FBI agents who had infiltrated one of the mobs had to reveal their true names in court. The FBI had wanted to keep the agents' identities secret to protect them and their families from gangster reprisal. The judge said no — the defendant has a constitutional right to know who his accusers are.

We take seriously the ancient right of an accused person to confront those making the accusations. But this is not all that's at stake in this situation. The ruling could set a precedent and affect future FBI undercover investigations. In some of these, it probably wouldn't matter — sting operations against politicians, for example. But where the targets are professional mobsters and killers, the decision endangers the lives of the undercover agents.

And their families. The New York judge ruled that the agents didn't have to reveal anything about their families or homes. However, it wouldn't take the racketeers long to find that information themselves, once they learned the names of the agents.

It's ironic that this court ruling was made soon after the Attorney General praised the

effectiveness of FBI undercover operations and said they're often the only way to go.

They probably are, but the agents who take part in them now clearly need greater protection. That's where we think Congress could help.

The president recently signed an identity protection bill which specifies government rights to protect secret sources of information. Although applicable to the intelligence community, it was geared to the CIA — to protect its staff officers as well as its agents from being exposed and thereby endangered. We would like to see the Justice Department and Congress look at this bill and see if something similar to it, but tailored to the specific needs of the FBI, could be written.

We realize the differences. The FBI is a law enforcement agency. CIA is not. FBI agents expect to go to court and testify. CIA people do not. Yet, there are also similarities — as when CIA information, in narcotics cases for example, is used in a trial.

CIA needed the identity protection bill because of the terrorists and nuts running around the world. We remember and still mourn Dick Welch, the CIA station chief slain a few years ago after his position was exposed. But such fanatics are no more dangerous — and, frankly, often less so — than the mobsters and racketeers FBI agents work against. In light of the judge's decision, the FBI also now needs some additional protection, before one of its agents, or his wife or kid, winds up dead.